

# Gun Violence Restraining Orders (GVRO)

## Order Counts

### **Data Set Overview and History**

The Department of Justice (DOJ) collects information on gun violence restraining orders (GVRO). Courts and law enforcement agencies utilize the California Law Enforcement Telecommunications System (CLETS) to enter data about GVROs into the California Restraining and Protective Order System (CARPOS). DOJ began collecting these data on January 1, 2016 when Assembly Bill (AB) 1014 went into effect. At that time, only immediate family members and officers could petition the court for a GVRO against persons who pose a threat to themselves or others. Through AB 61, the Legislature expanded the list individuals who could petition the court for a GVRO to include an employer, a coworker, or an employee or teacher of a secondary or postsecondary school. AB 61 went into effect on September 1, 2020. The data files contained on OpenJustice consist of individual year-level data for the years 2016-2021 (i.e., one file for each of those years).

### **Statutory Authority**

Penal Code section 18115, subdivision (a) requires a court to notify the DOJ when it issues or renews a GVRO. Penal Code section 18115, subdivision (b) requires the court to notify the DOJ when a GVRO has been dissolved or terminated.

### **Data Characteristics and Known Limitations**

1. On April 6, 2020, Emergency Rules 1-11 of the California Rules of Court were adopted and will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council. Emergency Rule 8(b)(2) addresses the duration of restraining orders and indicates that, “any temporary restraining order or gun violence emergency protective order, issued or set to expire during the state of emergency related to the COVID-19 pandemic, must be continued for a period of time that the court determines is sufficient to allow for a hearing on the long-term order to occur, for up to 90 days.” This rule may not impact the data, but is mentioned to indicate that (1) orders may not be implemented during the state of emergency as written in the statutes and (2) this may contribute to a change in active orders compared to other years.
2. Gun Violence Emergency Protective Orders (“Emergency—21 days”) (EGV) are obtained pursuant to Penal Code section 18125. Temporary Gun Violence Restraining Orders (“Temporary—21 days”) (TGV) are obtained pursuant to Penal Code section 18150. Gun Violence Restraining Orders After Hearing or Consent to Gun Violence Restraining Order (“Order after Hearing—1 to 5 years” (OGV) orders are obtained pursuant to Penal Code section 18170.

3. As of September 1, 2020, Gun Violence Restraining Orders After Hearing on EPO-002 (“Order after Hearing on EPO-002—1 to 5 years”) (HGV) orders were implemented. These orders are obtained pursuant to Senate Bill 1200 and are issued after hearings on EGV orders. HGV orders are not present in the data for any years prior to 2021.
4. All counts in the dataset represent the number of GVROs that meet the criteria for the given year, county, and type of order indicated in the same row of data.
5. The data totals represent the information in CARPOS on the date that the data was extracted. The 2016 and 2017 datasets were extracted on 2/9/2018, the 2018 dataset was extracted on 1/19/2019, the 2019 dataset was extracted on 1/29/2020, the 2020 dataset was extracted on 1/20/2021, and the 2021 dataset was extracted on 2/8/2022.
6. The GVRO database is dynamic or point-in-time, meaning that the counts provided for a given year are based on a snapshot of the database that was generated on the day the data was extracted from the system. For example, the 2020 counts are calculating the number of orders that were issued in 2020 that still remained in the database as of the extraction date (for 2020 that was 1/20/2021).
7. The database is intended to only retain the *most recent* order associated with each record in the database. A “record” is all information entered into CARPOS pertaining to a unique order and individual.
  - a. For example, a court creates a record of a TGV order that was issued for an individual on 12/16/2019 and sets it to expire on 1/6/2020. At the court hearing on 1/6/2020, the court issues an OGV to replace the existing TGV. If the court modified the existing record on 1/6/2020, then an extraction of the data would no longer reflect the record as a TGV but instead appear as the OGV.
  - b. The Department has instructed agencies to modify existing records where applicable. However, some entering agencies have created new records for each order modification, leading to duplicates. In the example above, if the court created a new record on 1/6/2020 for the OGV update rather than modified the existing TGV order, then both records would remain in the database.
8. Trinity County had a TGV order stemming from 2016 that continually had the court hearing date rescheduled to a later date. As of when the 2016 data were pulled, this TGV order was still displayed as active in CARPOS, despite being a TGV order from 2016.
9. One EGV order from Sacramento County (2016) did not specify the relationship of the respondent to the petitioner. This missing value prevents this order from being included in the sum of orders initiated by Law Enforcement and also the total of all orders issued.
10. All EGV orders submitted into CARPOS are initiated by law enforcement and do not require a hearing. In 2018, the CARPOS was updated to prevent a family member from being listed as a petitioner, per Penal Code Section 18130. Typically, law enforcement officers or agencies are

on scene when they need to initiate/establish an EGV. All other restraining orders (TGVs and OGVs) can be issued by a judge at the request of family or law enforcement.

11. The accuracy of the information contained in the system is contingent on those who enter the data. Incorrect entries may occur. We have found incorrect entries for a variety of data fields, including but not limited to: name spelling, demographic information, and dates throughout the data.
12. Agencies have the ability to enter test records into the system. These records do not correspond to actual GVROs that have been issued. DOJ has issued guidance to agencies advising that they need to clearly indicate the record is a test somewhere within the data elements. DOJ removes any records that clearly indicate "TEST" prior to producing these counts. If there are test records that do not clearly indicate "TEST," they will be included in these counts.
13. If an agency enters a record in error but does not clear it before the assigned expiration date, the record will remain in the system until the expiration date. After the expiration date, the record will be automatically moved to history and retained in the database for 5 years.

#### **Data Element and Values Defined**

<b>Cell Location</b>	<b>Data Element</b>	<b>Description/Definition</b>	<b>Value</b>
A	Year	Year of the GVRO's start date.	YYYY
B	County	County in which the order was filed.	Alphabetic characters
C	Type	Gun Violence Restraining Order types: EGV, HGV, TGV, or OGV.	3 alphabetic characters
D	Description	Longer descriptor of the GVRO type: EGV= Emergency-21 days TGV= Temporary-21 days OGV=Order After Hearing 1-5 years HGV = Order After Hearing on EPO-002 1-5 years	Alphanumeric
E	Requestor	Indicates the relationship between the petitioner and respondent.	Numerical Count
F	Count	Number of GVROs of the given type issued in the county during the given year.	Numerical Count